

OHIO

SENATE

JOURNAL

THURSDAY, MARCH 20, 2014

ONE HUNDRED SIXTIETH DAY
Senate Chamber, Columbus, Ohio
Thursday, March 20, 2014, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Obhof was selected to preside according to the rule.

The journal of the last legislative day was read and approved.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 300-Senators Beagle, Faber.

Cosponsors: Senators Gardner, Peterson, Hite, Hughes, Patton.

To amend section 5.2250 of the Revised Code to designate September as "Mitochondrial Disease Awareness Month."

S. B. No. 301-Senator Bacon.

Cosponsors: Senators Beagle, Coley, Gardner, Hite, Hughes, Jones, Jordan, LaRose, Manning, Obhof, Patton, Brown, Gentile, Turner, Lehner, Uecker.

To enact section 5.211 of the Revised Code to designate the week in May each year, which coincides with Armed Forces Week, as "Ohio Warrior Awareness Week."

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 287-Senator Gardner.

Cosponsors: Senators Cafaro, Hughes, Eklund, LaRose, Manning, Hite, Brown.

To designate the second Saturday of May 2014 as Bird Ohio Day in order to recognize the importance of bird and bird habitat stewardship and conservation.

The question being, "Shall the resolution listed under the President's prerogative be adopted?"

So the resolution was adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. S. B. No. 82 -Senators Balderson, Gentile

Cosponsors: Senators Sawyer, Burke, Cafaro, Hite, Kearney, Oelslager, Patton, Smith, Uecker Representatives Amstutz, Anielski, Baker, Barborak, Brown, Burkley, Butler, Carney, Celebrezze, Cera, Green, Letson, Milkovich, O'Brien, Phillips, Pillich, Ruhl, Sears, Thompson, Winburn, Speaker Batchelder

To amend section 120.521 and to enact section 307.933 of the Revised Code to provide that membership on the board of the Ohio Legal Assistance Foundation by a member of the General Assembly does not constitute holding another public office and to authorize a corrections commission of a multicounty, municipal-county, or multicounty-municipal correctional center to issue securities of the commission to pay the costs associated with certain improvements of the center.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 8, after "section" insert "120.521 be amended and section"

Between lines 9 and 10, insert:

"Sec. 120.521. (A) The state public defender shall establish a charitable, tax exempt foundation, named the Ohio legal assistance foundation, to actively solicit and accept gifts, bequests, donations, and contributions for use in providing financial assistance to legal aid societies, enhancing or improving the delivery of civil legal services to indigents, and operating the foundation. The Ohio legal assistance foundation shall deposit all gifts, bequests, donations, and contributions accepted by it into the legal assistance foundation fund established under this section. If the state public defender, pursuant to section 120.52 of the Revised Code as it existed prior to ~~the effective date of this section June 30, 1995~~, established a charitable, tax exempt foundation named the Ohio legal assistance foundation and if that foundation is in existence on the day before ~~the effective date of this section June 30, 1995~~, that foundation shall continue in existence and shall serve as the Ohio legal assistance foundation described in this section.

There is hereby established the legal assistance foundation fund, which shall be under the custody and control of the Ohio legal assistance foundation. The fund shall contain all moneys distributed to the Ohio legal assistance foundation pursuant to section 120.53 of the Revised Code and all gifts, bequests, donations, and contributions accepted by the Ohio legal assistance foundation under this section.

The Ohio legal assistance foundation shall distribute or use all moneys in the legal assistance foundation fund for the charitable public purpose of providing financial assistance to legal aid societies that provide civil legal services to indigents, enhancing or improving the delivery of civil legal services to indigents, and operating the foundation. The Ohio legal assistance foundation shall establish rules governing the administration of the legal assistance foundation fund.

The Ohio legal assistance foundation shall include, in the annual report it is required to make to the governor, the general assembly, and the supreme court pursuant to division (G)(2) of section 120.53 of the Revised Code, an audited financial statement on the distribution and use of the legal assistance foundation fund. No information contained in the statement shall identify or enable the identification of any person served by a legal aid society or in any way breach confidentiality.

Membership on the board of the Ohio legal assistance foundation does not constitute holding another public office and does not constitute grounds for resignation from the senate or house of representatives under section 101.26 of the Revised Code.

(B) A foundation is tax exempt for purposes of this section if the foundation is exempt from federal income taxation under subsection 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(a), as amended, and if the foundation has received from the internal revenue service a determination letter that is in effect stating that the foundation is exempt from federal income taxation under that subsection."

After line 138, insert:

"**Section 2.** That existing section 120.521 of the Revised Code is hereby repealed."

In line 1 of the title, after "To" insert "amend section 120.521 and to"; after "to" insert "provide that membership on the board of the Ohio Legal Assistance Foundation by a member of the General Assembly does not constitute holding another public office and to"

Attest:

Bradley J. Young,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. S. B. No. 155 -Senator Burke

Cosponsors: Senators LaRose, Bacon, Brown, Eklund, Gardner, Hite, Hughes, Manning, Peterson, Seitz, Uecker, Widener Representatives Brown, Hackett, Adams, R., Amstutz, Anielski, Antonio, Baker, Blair, Boose, Boyd, Brenner, Buchy, Budish, Burkley, Damschroder, Duffey, Green, Grossman, Hall, Hill, Letson, Milkovich, O'Brien, Rogers, Rosenberger, Sheehy, Slaby, Sprague, Winburn, Speaker Batchelder

To enact section 6133.041 of the Revised Code to authorize a joint board of county commissioners to conduct proceedings regarding existing joint county ditches via teleconference or video conference.

With the following additional amendment, in which the concurrence of the Senate is requested.

In line 20, delete "interactive"

Attest:

Bradley J. Young,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

Sub. H. B. No. 85 -Representatives Terhar, Gonzales

Cosponsors: Representatives Pillich, Brenner, Boose, Sprague, Retherford, Becker, Derickson, Reece, Amstutz, Beck, Hayes, McClain, Hall, Antonio, Dovilla, Adams, J., Adams, R., Anielski, Ashford, Baker, Barborak, Barnes, Bishoff, Blair, Blessing, Boyce, Boyd, Brown, Buchy, Burkley, Butler, Carney, Celebrezze, Cera, Conditt, Curtin, Damschroder, DeVitis, Driehaus, Duffey, Fedor, Gerberry, Green, Grossman, Hackett, Hagan, C., Hagan, R., Henne, Hill, Hood, Hottinger, Huffman, Johnson, Kunze, Landis, Letson, Lundy, Lynch, Maag, Mallory, McGregor, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Perales, Phillips, Ramos, Rogers, Romanchuk, Rosenberger, Ruhl, Scherer, Schuring, Sears, Sheehy, Slaby, Slesnick, Smith, Stebelton, Stinziano, Sykes, Thompson, Williams, Winburn, Young, Speaker Batchelder

To amend sections 323.151, 323.152, 323.153, 4503.064, 4503.065, and 4503.066 of the Revised Code to enhance the homestead exemption for military veterans who are 100% disabled from a service-connected disability.

Sub. H. B. No. 178 -Representative Phillips

Cosponsors: Representatives Hayes, Mallory, Strahorn, Reece, Fedor, Heard, Antonio, Bishoff, Amstutz, Anielski, Ashford, Baker, Barborak, Barnes, Beck, Boyce, Boyd, Brenner, Brown, Budish, Burkley, Carney, Celebrezze, Cera, Clyde, Curtin, Derickson, DeVitis, Driehaus, Grossman, Hottinger, Huffman, Kunze, Letson, Lundy, Milkovich, O'Brien, Patmon, Patterson, Pillich, Roegner, Rogers, Ruhl, Sheehy, Stebelton, Winburn, Young, Speaker Batchelder

To amend section 3737.73 of the Revised Code with respect to school safety drills.

Am. H. B. No. 334 -Representatives Hayes, Hottinger

Cosponsors: Representatives Brenner, Becker, Butler, Amstutz, Beck, Blair, Brown, Buchy, Burkley, Conditt, Green, Hill, Lynch, Young, Speaker Batchelder

To amend sections 3313.66 and 3313.661 of the Revised Code with respect to the expulsion of a student from a school district, community school, or STEM school for actions that endanger the health and safety of other students or school employees.

Sub. H. B. No. 382 -Representatives Duffey, Bishoff

Cosponsors: Representatives Adams, J., Terhar, Becker, Dovilla, Grossman, Henne, Hood, Mallory, Fedor, Ramos, Blessing, Heard, Hagan, R., Young, Barborak, Conditt, Sheehy, Anielski, Antonio, Beck, Blair, Boyce, Brown, Buchy, Burkley, Carney, Driehaus, Foley, Gerberry, Green, Huffman, Letson, Milkovich, Phillips, Pillich, Rogers, Schuring, Slesnick, Smith, Stinziano, Winburn, Speaker Batchelder

To amend sections 4513.60, 4513.61, 4513.64, 4921.25, and 4923.99 and to enact sections 4513.601, 4513.602, 4513.67, 4921.251, and 4921.252 of the Revised Code to revise the procedures and penalties governing the towing of motor vehicles and to require the Public Utilities Commission to adopt certain rules regarding a for-hire motor carrier engaged in towing.

Am. H. B. No. 477 -Representative Brown

Cosponsors: Representatives Anielski, Barnes, Brenner, Buchy, Grossman, Hackett, Huffman, Johnson, Letson, Phillips, Rosenberger, Sears, Smith, Stebelton, Young, Speaker Batchelder

To authorize the conveyance of state-owned real property and to declare an

emergency.

Attest:

Bradley J. Young,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bills:

Am. S. B. No. 161 -Senator Hughes

Cosponsors: Senators Obhof, Patton Representatives Damschroder, Ruhl, Mallory, Green, Ashford, Pillich, Rogers, Sheehy, Speaker Batchelder

To amend section 4513.19 of the Revised Code to require motor vehicle headlights to comply with the headlamp color requirements contained in Federal Motor Vehicle Safety Standard number 108.

S. B. No. 222 -Senator LaRose

Cosponsors: Senators Manning, Cafaro, Gentile, Turner, Bacon, Balderson, Beagle, Brown, Burke, Coley, Eklund, Faber, Gardner, Hite, Hughes, Jones, Kearney, Lehner, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Uecker, Widener Representatives Damschroder, Ruhl, Celebrezze, Milkovich, Adams, J., Adams, R., Anielski, Antonio, Ashford, Baker, Barborak, Barnes, Beck, Bishoff, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Brown, Buchy, Budish, Burkley, Butler, Carney, Cera, Clyde, Condit, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Foley, Gerberry, Green, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Henne, Hill, Hottinger, Johnson, Landis, Letson, Lynch, Maag, Mallory, McGregor, O'Brien, Patmon, Patterson, Perales, Phillips, Pillich, Retherford, Roegner, Rogers, Romanchuk, Rosenberger, Scherer, Schuring, Sheehy, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Sykes, Terhar, Williams, Young, Speaker Batchelder

To enact section 5533.096 of the Revised Code to designate a portion of State Route 8 in the municipal corporation of Stow as the "Second Lieutenant David E. Rylander Memorial Highway."

Attest: Bradley J. Young,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bill:

S. B. No. 226 -Senator Beagle - et al.

Attest: Bradley J. Young,
Clerk.

The President signed said bill.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5740.02(A)(2) of the Ohio Revised Code, the President of the Senate appoints Senator Bob Peterson as a legislative delegate to the Streamlined Sales Tax Project.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 103.41(B)(1) of Am. Sub. S.B. 206 of the 130th General Assembly, the President of the Senate appoints the following members to serve on the Joint Medicaid Oversight Committee:

Senator Dave Burke
Senator William Coley
Senator Chris Widener
Senator Capri Cafaro
Senator Charleta B. Tavares

Pursuant to Section 103.41(D) of Am. Sub. S.B. 206 of the 130th General Assembly, the President of the Senate designates the following member as the chairperson of the Joint Medicaid Oversight Committee:

Senator Dave Burke

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4781.02(B)(3)(a) of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the

Ohio Manufactured Homes Commission:

Mr. Rodney Hemming (for an installer's term expiring 12/31/17)
Elsea Inc.
Circleville, OH 43113

Pursuant to Section 4781.02(B)(3)(b) of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the Ohio Manufactured Homes Commission to replace Walter Comer, who resigned:

Mr. Tom Rehrig (for a manufacturer's term expiring 12/31/14)
Clayton Homes – Ohio/Midwest
Maryville, TN 37804

On the motion of Senator Faber, the Senate adjourned until Tuesday, March 25, 2014 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.